

903.07045 MPD/mg

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS

DENNIS WORSHAM,)
vs. Plaintiff,) NO. 08 CV 62
JOHN A. POLSON and GB TRANSPORT, LTD.,) Judge Hibbler
Defendants.)

MOTION TO COMPEL

NOW COME defendants GB TRANSPORT, LTD. and JOHN A. POLSON, by and through their attorneys Chilton Yambert & Porter LLP and for their Memorandum in opposition to plaintiff's Motion for Remand, state as follows:

1. Plaintiff filed a Complaint in the Circuit Court of Cook County arising from a motor vehicle collision that occurred on January 27, 2006, on I-294 in Cook County, Illinois. The Complaint seeks a judgment against the defendants in an amount in excess of \$50,000.00.

2. That on April 11, 2008, counsel for the defendants served upon plaintiff written interrogatories and a request for production of documents. (Ex. "A"). Further, on February 27, 2008, an order was entered that written fact discovery was to be completed by May 30, 2008. (Ex. "B"). However, to date there has been no response from plaintiff.

3. Plaintiff has produced his Rule 26(a)(1) disclosures. (Ex. "C"). However, these disclosures do not disclose any information and should not be a substitute for formal responses to the interrogatories and request for production of documents.

4. That the undersigned counsel has attempted to engage in consultation in accordance with Local Rule 37.2 to reach an accord relative to the plaintiff's production of documents and answers to interrogatories, however, said attempts at consultation have been unsuccessful.

5. Additionally, on June 3, 2008, defendants' counsel sent plaintiff's counsel a letter requesting compliance with the outstanding discovery. Attached is a copy of said correspondence as Exhibit "D".

6. Plaintiff has not provided discovery and production as requested. Accordingly, the defendants seek an order compelling plaintiff to comply with the outstanding discovery and further request any additional relief deemed just and proper under the circumstances.

WHEREFORE, Defendants, JOHN A. POLSON and GB TRANSPORT, LTD., respectfully request this Honorable Court enter an order compelling Plaintiff to comply with outstanding discovery and for any other relief deemed just and proper under the circumstances.

s/Jason Orleans

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